

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Pamela Rheinfrank, et al.,

Plaintiffs,

V.

Abbott Laboratories, Inc., et al.,

Defendants,

• • • • •

Case No. 1:13-cv-144

Judge Susan J. Dlott

VERDICT FORM

October 28, 2015

For the following Questions, is it your unanimous verdict that:

1. Plaintiffs have proven by a preponderance of the evidence that Defendants failed to provide adequate warning or instruction for Depakote, and the failure to provide adequate warning or instruction and Pamela Rheinfrank's use of Depakote were a proximate cause of Maria Durham's injuries?

____ YES

X NO

2. Plaintiffs have proven by a preponderance of the evidence that Defendants negligently failed to warn or instruct about the risks of Depakote, and that this negligence and Pamela Rheinfrank's use of Depakote were a proximate cause of Maria Durham's injuries?

____ YES

X NO

3. Plaintiffs have proven by a preponderance of the evidence that Defendants negligently designed Depakote, and that this negligence and Pamela Rheinfrank's use of Depakote were a proximate cause of Maria Durham's injuries?

____ YES

X NO

4. Plaintiffs have proven by a preponderance of the evidence that Depakote was defective due to failure to conform to Defendants' representations, and that this defect and Pamela Rheinfrank's use of Depakote were a proximate cause of Maria Durham's injuries?

____ YES

X NO

If you answered "NO" for all of the Questions 1, 2, 3, and 4 above, skip the remaining Questions, sign and date the verdict form on page 7, and tell the Courtroom Deputy, Mr. Miller, that you have reached a verdict.

If you answered "YES" for any or all of the Questions 1, 2, 3, and/or 4 above, please go on to the next page.

5. If you answered "YES" to any or all of the Questions 1, 2, 3, and/or 4 on page 2, you may now consider any compensatory damages you wish to award to Plaintiff Maria Durham.

In determining what amount of compensatory damages, if any, to award, you may consider "economic loss" and "non-economic loss." "Economic loss" means any of the following types of financial harm: all wages, salaries, or other compensation lost as a result of Maria Durham's injuries, including future expected lost earnings; and all expenditures for medical care or treatment, rehabilitation services, or other care, treatment, services, products, or accommodations incurred or to be incurred as a result of the Maria Durham's injuries; and any other expenditure incurred or to be incurred as a result of Maria Durham's injuries. "Non-economic loss" means harm other than economic loss that results from Maria Durham's past and future injuries, including, but not limited to, pain and suffering; disfigurement; mental anguish; loss of ability to perform activities of daily living; and any other intangible loss.

Please fill in the total amount of compensatory damages, if any, you award to Maria Durham on the last below.

Total Compensatory Damages:

\$ _____

Next, please proceed to the next page.

Is it your unanimous verdict that:

6. Plaintiff Pamela Rheinfrank has proven by a preponderance of the evidence that Defendants caused her to suffer a loss of consortium?

_____ YES

_____ NO

7. If you answered "YES" to Question 6, please fill the total amount of compensatory damages for loss of consortium, if any, on the line below that you wish to award to Pamela Rheinfrank.

Pamela Rheinfrank's Compensatory Damages for Loss of Consortium:

\$ _____

Next, please proceed to the next page.

If you answered "YES" to either or both Question 2 and/or 3 on page 2, you may consider whether to award punitive damages.

Is it your unanimous verdict that:

8. Plaintiffs have proven by clear and convincing evidence that Defendants' acts or failures to act demonstrated malice, or aggravated or egregious fraud?

_____ YES _____ NO

If you answered "NO" to Question 8, skip the remaining Questions, sign and date the verdict form on page 7, and tell the Courtroom Deputy, Mr. Miller, that you have reached a verdict.

If you answered "YES" to Question 8, please proceed to the next Question.

If you answered "YES" to Question 8, is it your unanimous verdict that:

9. Plaintiffs have proven by clear and convincing evidence that Plaintiffs suffered actual damages that resulted from Defendants' acts or failures to act that demonstrated malice, or aggravated or egregious fraud?

_____ YES _____ NO

If you answered "NO" to Question 9, skip the remaining Questions, sign and date the verdict form on page 7, and tell the Courtroom Deputy, Mr. Miller, that you have reached a verdict.

If you answered "YES" to Question 9, please proceed to the next Question.

10. If you answered "YES" to Question 9, state on the line below the amount of punitive damages you award to Plaintiffs:

Punitive Damages \$ _____

Next, please proceed to the next page.

If you awarded punitive damages in Question 10, you must also decide whether Defendants are liable for the attorney fees of legal counsel employed by the Plaintiffs to bring this lawsuit. You must only decide whether the Defendants are liable for those attorney fees. If you decide that the Defendants are liable for the attorney fees, then the Court will determine the amount of the fees.

Is it your unanimous verdict that:

11. Defendants are liable for Plaintiffs' attorney fees incurred in the preparation and presentation of this case?

_____ YES

_____ NO

Next, please proceed to the next page.

Please sign your name below:

S/Juror
Foreperson Signature

S/Juror
Juror Signature

S/Juror
Juror Signature

S/Juror
Juror Signature

S/Juror
Juror Signature

S/Juror
Juror Signature

November 2, 2015
Date

S/Juror
Juror Signature

S/Juror
Juror Signature

S/Juror
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